

Exhibit B

Receipt : 18000029412

Page 1 of 1



**OFFICIAL RECEIPT
ROANOKE CITY CIRCUIT COURT
CIVIL**

DATE : 12/28/2018

TIME : 14:05:03

CASE # : 770CL1800271200

RECEIPT # : 18000029412

TRANSACTION # : 18122800060

CASHIER : TME

REGISTER # : B656

FILING TYPE : CNTR

PAYMENT : FULL PAYMENT

CASE COMMENTS : FEINMAN, JAMES B v. VOLKSWAGEN GROUP OF AMER

SUIT AMOUNT : \$1,500,000.00

ACCOUNT OF : FEINMAN, JAMES B

PAID BY : JAMES B. FEINMAN & ASSOCIATES

CHECK : \$351.00

CHECK NUMBER : 65543

DESCRIPTION 1 : CNTR:CONTRACT ACTION

2 : PLAINTIFF: FEINMAN, JAMES B

3 : NO HEARING SCHEDULED

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$25.00
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00
123	LEGAL AID SERVICES	\$9.00
147	INDIGENT ASSISTANCE (INA)	\$1.00
170	COURT TECHNOLOGY FUND	\$10.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$4.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$2.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$290.00
426	PAPER SUBMISSION/COPY FEE	\$5.00

TENDERED : \$ 351.00

AMOUNT PAID : \$ 351.00

PAYOR'S COPY

CLERK OF COURT : BRENDA S. HAMILTON

RECEIPT COPY 1 OF 2

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

JAMES B. FEINMAN, ATTORNEY

Plaintiff,

v.

VOLKSWAGEN GROUP OF AMERICA, INC.

Please Serve:

Corporation Service Company
100 Shockoe Slip
2nd Floor
Richmond, Virginia 23219

Defendant.

COMPLAINT

CIRCUIT COURT

Received & Filed

2:01 PM
DEC 28 2018

By 
Deputy Clerk
CITY OF ROANOKE

Now into Court comes the Plaintiff, James B. Feinman, and moves the Court for judgment against the Defendant, Volkswagen Group of America, Inc., on the basis of the following facts and law:

1. Plaintiff, James B. Feinman, is an attorney licensed by the Commonwealth of Virginia to practice law in this State since 1987. Attorney Feinman maintains his residence and law office in Lynchburg, Virginia and practices law throughout the Commonwealth.
2. Defendant, Volkswagen Group of America, Inc., is a corporation organized under the law of New Jersey with its principal place of business in Fairfax County, Virginia.
3. On or about September 18, 2015 the public was first informed of a fraudulent scheme perpetrated by Defendant Volkswagen Group of America, Inc. on over 500,000 consumers who bought Volkswagen, Audi, and Porsche "Clean Diesel" vehicles. This

fraudulent scheme is best described by the admissions made in a Federal Criminal prosecution culminating in a Plea Agreement. As part of this Plea Agreement, the Defendant Volkswagen Group of America, Inc. stipulated to the perpetration of this fraud and to the truth of all statements in the attached "Exhibit Two" of the Plea Agreement. As part of the Plea Agreement Volkswagen Group of America, Inc. stipulated that the attached "Exhibit Two" of the Plea Agreement is admissible in any and all legal proceedings.

4. Plaintiff Feinman undertook the representation of approximately 674 Virginia citizens who were victims of the fraudulent scheme. Attorney Feinman undertook extensive and lengthy steps to protect the legal interests of these 674 clients. In each and every individual representation, Attorney Feinman perfected his lien for attorney fees pursuant to VA. Code §54.1-3932 by giving individual written notice pertaining to each individual client of the lien for attorney fees to Volkswagen Group of America, Inc.'s legal counsel. Attorney Feinman's representation was for a period of approximately 14 months from September 18, 2015. The legal services rendered included representations before the Supreme Court of Virginia pursuant to the Virginia Multiple Claimant Litigation Act, before a special three-Judge panel appointed by the Supreme Court of Virginia, before the Circuit Court of Fairfax County, where all "Clean Diesel" cases filed in Virginia were transferred for coordinated pre-trial proceedings, in the United States District Court for the Western District of Virginia, in the United States District Court for the Northern District of California, San Francisco Division, and in the United States Court of Appeals for the Ninth Circuit. Additionally, multiple suits were filed on behalf of these clients in Circuit Courts throughout Virginia.

5. In June, 2016 a proposed settlement was reached in class action litigation in the United States District Court for the Northern District of California. This proposed Class Action settlement gained final approval from that Court in October of 2016. The individual owners of the illegal "Clean Diesel" vehicles were offered a settlement through the class action litigation. The proposed offer was made outside of the attorney-client relationship established between Attorney Feinman and his 674 clients. 403 of Attorney Feinman's clients accepted the offer made by Volkswagen Group of America, Inc. resulting in a settlement and release of all claims.

6. Virginia Code §54.1-3932 provides:

§ 54.1-3932. Lien for fees.

A. Any person having or claiming a right of action sounding in tort, or for liquidated or unliquidated damages on contract or for a cause of action for annulment or divorce, may contract with any attorney to prosecute the same, and the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action or claim. When any such contract is made, and written notice of the claim of such lien is given to the opposite party, his attorney or agent, any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action. Nothing in this section shall affect the existing law in respect to champertous contracts. In causes of action for annulment or divorce an attorney may not exercise his claim until the divorce judgment is final and all residual disputes regarding marital property are concluded. Nothing in this section shall affect the existing law in respect to exemptions from creditor process under federal or state law.

7. Attorney Feinman has made amicable demand upon Volkswagen Group of America, Inc. to honor the perfected attorney's fee lien on each of the 403 individual clients who accepted the settlement offer made by Volkswagen Group of America, Inc.

Volkswagen Group of America, Inc. has refused to honor Attorney Feinman's lien claim even though Virginia law expressly states that "*any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action.*" Volkswagen Group of America, Inc. contended an injunction entered by the Northern District of California District Court enjoined Attorney Feinman from filing suit in Virginia State Courts to enforce his statutory lien claim. This spanned more than a year of litigation before the United States Court of Appeals for the Ninth Circuit. This appellate litigation culminated in Volkswagen Group of America, Inc.'s counsel admitting in open court before the Ninth Circuit on December 19, 2018 that Attorney Feinman is not enjoined from pursuing his statutory attorney fee lien claim in Virginia State Courts.

8. Attorney Feinman's perfected statutory attorney fee lien claim entitles him to recover reasonable attorney fees and costs from Defendant Volkswagen Group of America, Inc. for services rendered to his 403 former clients in the State and Federal Courts of Virginia and the Federal Courts in California.

9. WHEREFORE PLAINTIFF James B. Feinman moves the Court for judgment in the amount of \$1,500,000 (One Million Five Hundred Thousand Dollars) plus pre-judgment interest against Defendant Volkswagen Group of America, Inc. and whatever other relief law and equity may seem meet.

Respectfully Submitted,

JAMES B. FEINMAN

By:  [BKF]
Of Counsel

James B. Feinman, Esquire
VSB#: 28125
Blake K. Huddleston, Esquire
VSB#: 93572
James B. Feinman, Attorney At Law
1003 Church Street
P.O. Box 697
Lynchburg, VA 24505
(434) 846-7603- telephone
(434) 846-0158- facsimile
jb@jfeinman.com
blake@jfeinman.com

COMMONWEALTH OF VIRGINIA



ROANOKE CITY CIRCUIT COURT

Civil Division
315 CHURCH AVENUE, SW
ROANOKE VA 24016
(540) 853-6702

Proper attire required in Court Rooms
NO shorts
NO halters/tank tops
NO flip-flop shoes
NO t-shirts
NO hats
NO food, drinks or gum
NO cell phones in Courthouse

Virginia:

Proof of Service

In the ROANOKE CITY CIRCUIT COURT

Case number: 770CL18002712-00

Service number: 001

Service filed: December 28, 2018

Judge:

Served by: SPECIAL PROCESS SERVER

Style of case: JAMES B FEINMAN vs VOLKSWAGEN GROUP OF AMERICA IN

Service on: VOLKSWAGEN GROUP OF AMERICA IN
CORPORATION SERVICE COMPANY
100 SHOCKOE SLIP
2ND FLOOR
RICHMOND VA 23219

Attorney: FEINMAN, JAMES B; ESQ
434-846-7603

Instructions: SEE ATTACHED COMPLAINT

Returns shall be made hereon, showing service of Summons issued Friday, December 28, 2018 with a copy of the Complaint filed Friday, December 28, 2018 attached.

Hearing date :

Service issued: Friday, December 28, 2018

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



ROANOKE CITY CIRCUIT COURT

Civil Division
315 CHURCH AVENUE, SW
ROANOKE VA 24016
(540) 853-6702

Summons

Proper attire required in Court Rooms
NO shorts
NO halters/tank tops
NO flip-flop shoes
NO t-shirts
NO hats
NO food, drinks or gum
NO cell phones in Courthouse

To: VOLKSWAGEN GROUP OF AMERICA IN
CORPORATION SERVICE COMPANY
100 SHOCKOE SLIP
2ND FLOOR
RICHMOND VA 23219

Case No. 770CL18002712-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, December 28, 2018

Clerk of Court: BRENDA S. HAMILTON

by

A handwritten signature in blue ink, appearing to read "Brenda S. Hamilton", written over a horizontal line.

(CLERK/DEPUTY CLERK)

Instructions:

SEE ATTACHED COMPLAINT

Hearing Official:

Attorney's name: FEINMAN, JAMES B; ESQ
434-846-7603

COMMONWEALTH OF VIRGINIA



ROANOKE CITY CIRCUIT COURT

Civil Division
315 CHURCH AVENUE, SW
ROANOKE VA 24016
(540) 853-6702

Summons

Proper attire required in Court Rooms:
NO shorts
NO halters/tank tops
NO flip-flop shoes
NO t-shirts
NO hats
NO food, drinks or gum
NO cell phones in Courthouse

To: VOLKSWAGEN GROUP OF AMERICA IN
CORPORATION SERVICE COMPANY
100 SHOCKOE SLIP
2ND FLOOR
RICHMOND VA 23219

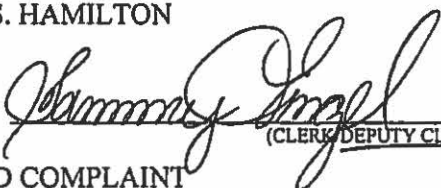
Case No. 770CL18002712-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, December 28, 2018

Clerk of Court: BRENDA S. HAMILTON

by 
(CLERK/DEPUTY CLERK)

Instructions: SEE ATTACHED COMPLAINT

Hearing Official:

Attorney's name: FEINMAN, JAMES B; ESQ
434-846-7603

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

JAMES B. FEINMAN, ATTORNEY

Plaintiff,

v.

VOLKSWAGEN GROUP OF AMERICA, INC.

Please Serve:

Corporation Service Company

100 Shockoe Slip

2nd Floor

Richmond, Virginia 23219

Defendant.

COMPLAINT

Now into Court comes the Plaintiff, James B. Feinman, and moves the Court for judgment against the Defendant, Volkswagen Group of America, Inc., on the basis of the following facts and law:

1. Plaintiff, James B. Feinman, is an attorney licensed by the Commonwealth of Virginia to practice law in this State since 1987. Attorney Feinman maintains his residence and law office in Lynchburg, Virginia and practices law throughout the Commonwealth.
2. Defendant, Volkswagen Group of America, Inc., is a corporation organized under the law of New Jersey with its principal place of business in Fairfax County, Virginia.
3. On or about September 18, 2015 the public was first informed of a fraudulent scheme perpetrated by Defendant Volkswagen Group of America, Inc. on over 500,000 consumers who bought Volkswagen, Audi, and Porsche "Clean Diesel" vehicles. This

fraudulent scheme is best described by the admissions made in a Federal Criminal prosecution culminating in a Plea Agreement. As part of this Plea Agreement, the Defendant Volkswagen Group of America, Inc. stipulated to the perpetration of this fraud and to the truth of all statements in the attached "Exhibit Two" of the Plea Agreement. As part of the Plea Agreement Volkswagen Group of America, Inc. stipulated that the attached "Exhibit Two" of the Plea Agreement is admissible in any and all legal proceedings.

4. Plaintiff Feinman undertook the representation of approximately 674 Virginia citizens who were victims of the fraudulent scheme. Attorney Feinman undertook extensive and lengthy steps to protect the legal interests of these 674 clients. In each and every individual representation, Attorney Feinman perfected his lien for attorney fees pursuant to VA. Code §54.1-3932 by giving individual written notice pertaining to each individual client of the lien for attorney fees to Volkswagen Group of America, Inc.'s legal counsel. Attorney Feinman's representation was for a period of approximately 14 months from September 18, 2015. The legal services rendered included representations before the Supreme Court of Virginia pursuant to the Virginia Multiple Claimant Litigation Act, before a special three-Judge panel appointed by the Supreme Court of Virginia, before the Circuit Court of Fairfax County, where all "Clean Diesel" cases filed in Virginia were transferred for coordinated pre-trial proceedings, in the United States District Court for the Western District of Virginia, in the United States District Court for the Northern District of California, San Francisco Division, and in the United States Court of Appeals for the Ninth Circuit. Additionally, multiple suits were filed on behalf of these clients in Circuit Courts throughout Virginia.

5. In June, 2016 a proposed settlement was reached in class action litigation in the United States District Court for the Northern District of California. This proposed Class Action settlement gained final approval from that Court in October of 2016. The individual owners of the illegal "Clean Diesel" vehicles were offered a settlement through the class action litigation. The proposed offer was made outside of the attorney-client relationship established between Attorney Feinman and his 674 clients. 403 of Attorney Feinman's clients accepted the offer made by Volkswagen Group of America, Inc. resulting in a settlement and release of all claims.

6. Virginia Code §54.1-3932 provides:

§ 54.1-3932. Lien for fees.

A. Any person having or claiming a right of action sounding in tort, or for liquidated or unliquidated damages on contract or for a cause of action for annulment or divorce, may contract with any attorney to prosecute the same, and the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action or claim. When any such contract is made, and written notice of the claim of such lien is given to the opposite party, his attorney or agent, any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action. Nothing in this section shall affect the existing law in respect to champertous contracts. In causes of action for annulment or divorce an attorney may not exercise his claim until the divorce judgment is final and all residual disputes regarding marital property are concluded. Nothing in this section shall affect the existing law in respect to exemptions from creditor process under federal or state law.

7. Attorney Feinman has made amicable demand upon Volkswagen Group of America, Inc. to honor the perfected attorney's fee lien on each of the 403 individual clients who accepted the settlement offer made by Volkswagen Group of America, Inc.

Volkswagen Group of America, Inc. has refused to honor Attorney Feinman's lien claim even though Virginia law expressly states that "*any settlement or adjustment of the cause of action shall be void against the lien so created, except as proof of liability on such cause of action.*" Volkswagen Group of America, Inc. contended an injunction entered by the Northern District of California District Court enjoined Attorney Feinman from filing suit in Virginia State Courts to enforce his statutory lien claim. This spanned more than a year of litigation before the United States Court of Appeals for the Ninth Circuit. This appellate litigation culminated in Volkswagen Group of America, Inc.'s counsel admitting in open court before the Ninth Circuit on December 19, 2018 that Attorney Feinman is not enjoined from pursuing his statutory attorney fee lien claim in Virginia State Courts.

8. Attorney Feinman's perfected statutory attorney fee lien claim entitles him to recover reasonable attorney fees and costs from Defendant Volkswagen Group of America, Inc. for services rendered to his 403 former clients in the State and Federal Courts of Virginia and the Federal Courts in California.

9. WHEREFORE PLAINTIFF James B. Feinman moves the Court for judgment in the amount of \$1,500,000 (One Million Five Hundred Thousand Dollars) plus pre-judgment interest against Defendant Volkswagen Group of America, Inc. and whatever other relief law and equity may seem meet.

Respectfully Submitted,

JAMES B. FEINMAN

By:  1341
Of Counsel

James B. Feinman, Esquire
VSB#: 28125
Blake K. Huddleston, Esquire
VSB#: 93572
James B. Feinman, Attorney At Law
1003 Church Street
P.O. Box 697
Lynchburg, VA 24505
(434) 846-7603- telephone
(434) 846-0158- facsimile
jb@jfeinman.com
blake@jfeinman.com